

**Judicial Merit Commission – Regular Quarterly Meeting
Tang Conference Room, Law Library, Third Floor
101 West Jefferson, East Court Building
Tuesday, June 2, 2015**

General Session Meeting Minutes

The Judicial Merit Commission met on Tuesday, June 2, 2015, for its regularly scheduled quarterly meeting. The meeting was conducted in the Tang Conference Room located at 101 W. Jefferson Street, East Court Building, Law Library, 3rd Floor.

I. Meeting Convened

The meeting was called to order at 2:00 p.m. with the following members in attendance: Commissioners Craig Waugh (Chairman), Thomas J. Davis, Logan Young, and Judith Clinton.

Also in attendance were Danna Quinn, Secretary to the Commission, Jamie Ahler, Employee Relations Administrator, Billie Berry, Human Resources Associate, Raymond Billotte, Judicial Branch Administrator, Barbara Broderick, Chief Probation Officer, and Phillip Hanley, Director of Finance.

II. Approval of the Minutes

Commissioner Waugh called for a motion to approve the minutes of the 3 March 2015 Quarterly General Session.

Motion: Commissioner Young moved to approve the minutes of the 3 March 2015 Quarterly General Session.

Commissioner Clinton seconded the motion.

The minutes of the 3 March 2015 Quarterly General Session were approved with 3 in favor, none opposed, and 1 abstention.

III. Recognition of Service, Commissioner Thomas J. Davis

Commissioner Thomas J. Davis was acknowledged for serving 13 years as a member of the Commission and for his service as Chairman since 2006. The Commission and staff expressed their gratitude and appreciation to Commissioner Davis for his guidance to Commission members and staff, and for careful consideration of matters that came before the Commission during his tenure. The Commission, Appointing Authorities, and staff thanked him for his dedication to the work of the Commission, his professionalism, insight, and for doing a phenomenal job of bringing balance to employees and management.

Commissioner Davis was also presented with a plaque as recognition and appreciation for his years of service.

Commissioner Davis thanked everyone for their sentiments and the opportunity to serve.

IV. Appeals Pending Notification of Status

No appeals pending notification of status.

V. Appeals Pending Hearing/Decision

1. Samuel Buchanan v. Juvenile Court – Demotion

Secretary Quinn reported that Mr. Buchanan was demoted on March 9, 2015 and filed an appeal of that demotion. Mr. Buchanan resigned his employment on April 5, 2015, after filing his appeal. Despite repeated efforts by staff and the Hearing Officer to contact Mr. Buchanan regarding his appeal, no communication or withdrawal of appeal has been received from Mr. Buchanan. A telephonic hearing was held on April 14, 2015 and the hearing continued on April 27, 2015. Mr. Buchanan failed to appear at both hearing sessions. The Court is awaiting receipt of the Hearing Officer's Findings of Fact, Conclusions of Law and Recommendation.

Discussion ensued regarding the hearing process after an employee resigns his or her position after filing an appeal and fails to participate further in the proceedings. Staff reported that a motion to dismiss was made by Respondent for failure to prosecute, however, the Hearing Officer found no provision in the Judicial Merit System Rules to allow vacating the hearing or granting the motion to dismiss. Without a withdrawal of appeal from Mr. Buchanan, the Hearing Officer decided to move forward with the hearing.

The Commission asked that this issue be placed on the future agenda for consideration of proposing an amendment to the Judicial Merit System Rules to address how to proceed when an employee resigns his or her employment while an appeal is pending and fails to participate in the appeal thereafter.

2. Marcella Goldsberry v. Family Court - Termination

Secretary Quinn reported Ms. Goldsberry was terminated on February 23, 2015, and filed an appeal of her termination. The hearing convened telephonically on March 27, 2015, and continued to April 28, 2015, at the request of all parties. Due to a scheduling conflict, the Attorney General's Office requested an additional continuance to May 8, 2015. The hearing was held on May 8, 2015, and the transcript of the hearing was received in the hour prior to this meeting. Staff is now awaiting receipt of the Hearing Officer's Findings of Fact, Conclusions of Law and Recommendation.

The Commission expressed its concern regarding the risk to both the former employee and the Court, particularly in terminations, where there is a long delay from the initial convening date and the in-person full hearing. The Commission advised the parties should adhere more closely to the 45/45 day rule, and that delays should be avoided as much as possible.

VI. Revision to Judicial Merit System Rules

Secretary Quinn reported that the revision to Section 15.D of the Judicial Merit Rules that was approved by Presiding Judge Norman J. Davis on April 7, 2015, is strictly a process change. She advised Court Administration requested this change to utilize electronic mechanisms as opposed to always having a court reporter present at hearings. The equipment has been procured; however, staff has not received it to date.

VII. Outside Counsel Listing

Commissioner Waugh reiterated that at the last meeting, the Commission was in agreement to continue with Dickinson Wright's representation of the Commission, provided that the Commission receives confirmation that Scot Claus would still be the primary attorney at the firm providing advice to the Commission. The Commission also agreed at its last meeting not to invite others on the approved list of Outside Counsel to make presentations to the Commission to serve as its counsel.

Secretary Quinn reported the Court has confirmed that Scot Claus will be the primary person at Dickson Wright advising the Commission.

The Commission confirmed it is still in agreement to continue with Dickinson Wright's representation and not invite presentations from other firms.

VIII. New Member Recruitment

Secretary Quinn reported and congratulated Commissioner Waugh on his re-appointment for another three year term.

Secretary Quinn also reported that Presiding Judge Norman J. Davis has appointed Lauren E. Eiler to fill the vacancy left by Commissioner Davis' resignation. She stated Commissioner Eiler is an attorney, a former Human Resources Director, and has previous experience with the Judicial Branch as the HR Director in the Probation Department. Secretary Quinn stated that Commissioner Eiler will attend the September meeting and provide additional background information as the Commission requests.

IX. Executive Session

The Commission held no Executive Session.

VIII. Call to the Public

A call to the public was made by Commissioner Waugh, and no response to the call was made.

IX. Future Agenda Items

1. Consideration of proposing an amendment to the Judicial Merit System Rules to address how to proceed when an employee resigns his or her employment while an appeal is pending and fails to participate in the appeal thereafter.
2. Welcome New Member.

X. Meeting Adjournment

The Chair entertained a motion to adjourn.

Motion: Commissioner Davis moved to adjourn the meeting. Commissioner Young seconded the motion, and the Commission approved it unanimously.

The meeting adjourned at 2:43 p.m.

Respectfully submitted,

Billie J. Berry
Staff to the Commission

For

Danna M. Quinn
Secretary to the Commission

Next Meeting: Tuesday, September 1, 2015 @ 2:00 p.m. in the Tang Conference Room